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# REESE LLP

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**Via CM/ECF**

August 9, 2024

Honorable Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Guery v. DraftKings, Inc.*, No. 1:24-cv-02921-JLR

Dear Judge Rochon,

We represent Plaintiff Samantha Guery (“Plaintiff”) in the above-referenced action.

After all of the attempts outlined in the Declaration of Joseph C. Bourne in Support of Motion to Withdraw (ECF No. 41), as well as FedExing the documents outlined in the Certificate of Service (ECF No. 44)—including the Court’s August 7, 2024 Order to Appear—we were able to reach Plaintiff. Without waiving privileges, she was generally unavailable due to health issues and has agreed to allow us to file a Notice of Voluntary Dismissal. We have made Counsel for Defendant aware of these developments, and they do not oppose dismissal or this request.

Accordingly, we intend to file a Notice of Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) concurrently herewith. In so doing, the pending Motion to Withdraw is moot. (ECF Nos. 39-42). To conserve the Court’s and the parties’ time and resources, we respectfully request that the hearing on the Motion to Withdraw—currently scheduled for August 14, 2024 at 10:30 a.m.—be taken off the calendar. We appreciate the courtesies extended by Defense Counsel and the Court’s patience.

Respectfully submitted,


/s/ Charles D. Moore  
Charles D. Moore

cc: All counsel of record, via CM/ECF

The request is GRANTED. The conference on  
August 14, 2024 is adjourned.

**SO ORDERED.**

Dated: August 9, 2024  
New York, New York

  
**JENNIFER L. ROCHON**  
United States District Judge